

Article - Real Property

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§12–107.

(a) Any party to a condemnation case may appeal from a final judgment or determination in the manner prescribed by the Maryland Rules.

(b) If the final decision on appeal is that the plaintiff is not entitled to condemn the property, a reasonable counsel fee fixed by the trial court shall be awarded to counsel for the defendant and charged against the plaintiff together with the other costs of the case.

(c) Costs on appeal shall be paid as directed by the appellate court.

(d) (1) If the plaintiff desires possession pending appeal, it may make payment of the award pursuant to Title 12, Chapter 200 of the Maryland Rules. In addition, the plaintiff shall file with the clerk of the court a bond to the State for the penalty the court prescribes.

(2) The bond shall be conditioned that if the judgment is reversed, the plaintiff shall pay to the defendant appealing, all damages the plaintiff caused the defendant by taking possession and using the property before the final determination of the appeal. The bond shall be executed by the plaintiff together with another surety approved by the court.

(3) On the payment and filing of the bond, the plaintiff immediately may take possession of the property of the defendant appealing.

(4) Except as provided in paragraph (5) of this subsection, if, on appeal, the judgment is affirmed, the bond is discharged. If, on appeal, the judgment is reversed on the right of the plaintiff to condemn, the plaintiff immediately shall surrender possession of the property of the defendant and the surety shall be liable to the defendant for all damages which have been occasioned to the defendant by the plaintiff in taking possession and using the property before final determination of the appeal.

(5) If the plaintiff is the State or any of its subdivisions or instrumentalities, a bond is not required.

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